



WASHOE COUNTY
DISTRICT ATTORNEY

Christopher J. Hicks
District Attorney

NEWS RELEASE

Washoe County District Attorney Chris Hicks' Testimony in Opposition of AB 395, the Bill to Declare the Death Penalty Illegal, on March 31, 2021

March 31, 2021
Reno, Nevada

Today, WCDA Chris Hicks testified in opposition to AB395, seeking to declare the death penalty illegal in Nevada. In his testimony, DA Hicks stressed that legislators must remember the victims and their families, and highlighted two horrific area murders committed by James Biela and Tamir Hamilton. When testifying he stated, "Simply put, some crimes are so heinous and inherently wrong that they demand strict penalties – up to death..."

Full remarks:

Good morning. My name is Christopher Hicks and I am the elected Washoe County District Attorney. Thank you for giving me the opportunity to address this committee today.

The United States Supreme Court and the Nevada Supreme Court have both held that Capital punishment is constitutional. It is legal in most of our states and it has been the law in Nevada since statehood (157 years). A 2017 poll conducted in Nevada found 66% of voters support keeping the death penalty. A recent 2021 Poll conducted in Nevada found that 36% of Nevadans believe the death penalty is the most appropriate penalty in **EVERY** 1st Degree murder case, despite its sparing and judicious use by prosecutors in those cases.

AB 395 eliminates a community's ability, through impaneled jurors, to consider imposing the death penalty in our State's most heinous murder crimes; and, it commutes the death sentences of all the horrendous murderers currently on death row, lawful sentences administered by juries and relied on by devastated victims. **Victims**, that is a demographic you all need to carefully think about when debating this bill.

In every death penalty case in Nevada, entire families become victims. The victims who suffered unthinkable fates and their loved ones who carry the pain and suffering of their loss and the gut-wrenching agony that comes with knowing what happened. These families carry that every day for the rest of their lives.

In my time in the WCDA's Office (over 16 years) 2 death sentences have been sought and imposed by a jury and 1 is currently being prosecuted. Those cases represent the worst of the worst and just 1% of the murder

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cases prosecuted in that same timeframe. As you contemplate this bill, I think it is important that you consider what these murderers did:

On September 14, 2006, Tamir Hamilton raped, tortured, and murdered 16-year-old Holly Quick in her bedroom. He took his time, stabbed her over 40 times, and nearly decapitated her. Holly's mom found her the next morning. Two weeks before, Hamilton repeatedly and violently raped a 20-year-old girl. A jury sentenced him to death.

In 2007 and early 2008, James Biela committed a series of rapes of young college girls. His first victim was raped at gunpoint on the concrete floor of a parking garage on the UNR campus as she was leaving class. His second was choked to unconsciousness as she returned home from studying and was kidnapped where she was then raped repeatedly. Biela's last victim Brianna Denison was abducted, raped, and then strangled to death. Her lifeless naked body was discarded like a piece of trash in a vacant lot. A jury sentenced him to death.

It is currently alleged that in January of 2019, Wilber Martinez Guzman violently murdered 4 people in their homes over a 7-day span. Connie Koontz was shot in the home she shared with her 87-year-old mother who found her body. Sophia Renken, age 74, was shot multiple times in her home where she lived alone. Lastly, Sherri and Jerry David, age 80 and 81, were shot multiple times in their ranch home in Reno. My office and the Douglas County DA's office are currently prosecuting this case and plan to ask a jury to sentence Martinez Guzman to death.

Simply put, some crimes are so heinous and inherently wrong that they demand strict penalties – up to death. Most Nevadans recognize this principle as just and want to keep this option when sentencing these worst of the worst offenders.

Contrary to what's been suggested by proponents of the bill today:

- Elimination of the death penalty will not create a windfall of savings. The death penalty is sought so infrequently that the cost difference will be minimal. Moreover, the state audit done in 2014 was misleading. It was based on unverifiable estimates and attempted to quantify costs that exist in county budgets, whether there is a death penalty or not. In fact, AB395 will waste money as it will render useless the \$860,000 this legislature appropriated just 3 sessions ago to build a new facility where lethal injection can be administered.
- Correspondence with the former Director of the Nevada Department of Corrections in 2017 reveals that the state is able to carry out a lethal injection execution should it be ordered, and 17 executions occurred

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in the US last year. Our neighboring state of Arizona has a new supplier of the lethal drug and will start executions again soon.

- Life in prison without the possibility of parole is not a guarantee. The state pardon's board regularly considers the commutation of sentences, including life without the possibility of parole.

I would encourage this committee to consider a different policy, fixing our damaged death penalty system like a majority of voters in California voted to do in 2016. The policy of our state should be to uphold the rule of law and respect our court-ordered sentences. The victims of these heinous crimes deserve it. Moreover, we should not overlook the reality that these victims will not be the last. It is a terrible fact that there will be more victims, and all deserve justice.

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